

BOARD OF APPEALS CASE NO. 4831

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BEFORE THE

APPLICANT: Andrew T. Kowal

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ZONING HEARING EXAMINER

**REQUEST: Variance to construct an
addition within the required side yard
setback; 747 Shore Drive, Joppa**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 8/12/98 & 8/19/98

HEARING DATE: September 30, 1998

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Record: 8/14/98 & 8/21/98

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ZONING HEARING EXAMINER'S DECISION

The Applicant, Andrew Kowal, is requesting a variance to Ordinance 6, Section 10.05, to permit an addition within the required 8 foot side yard setback in an R3/CDP/CR/IDA District.

The subject parcel is located at 747 Shore Drive in the First Election District. The parcel is identified as Parcel No. 238, in Grid 1-A, on Tax Map 69. The parcel contains .21 acres, more or less, and is zoned R3/CDP/CR/IDA.

Ms. Diane Bird appeared and testified that she is the Applicant's fiancée. The Applicant would like to construct an addition with dimensions of 12 feet by 40 feet. The Applicant said the addition would contain a garage and additional living area and that the Applicant would maintain a 5 foot side yard setback. The witness said the subject parcel is unique because it is waterfront property and that the addition cannot be built to the rear of the parcel because of the required setbacks from the waterway. The witness said she did not feel that there would be an adverse impact on the neighborhood because many of the other homes in the community have added garages and additions.

Mr. Ronald Andresak appeared and testified that his parcel adjoins the Applicant's parcel on the side where the Applicant is requesting the variance to construct the addition. Mr. Andresak said that he was not opposed to the Applicant's request.

The Staff Report of the Department of Planning and Zoning recommends conditional approval.

Case No. 4831 - Andrew T. Kowal

CONCLUSION:

The Applicant is requesting a variance to Ordinance 6, Section 10.05, to construct an addition within the required 8 foot side yard setback. The Applicant is requesting a variance of 3 feet to construct an addition. The Applicant's witness testified that the subject parcel is unique because it is a waterfront property which has constraints which prevent the Applicant from constructing the addition toward the rear of the dwelling. The witness also said she did not feel the variance would have an adverse impact on the neighborhood because many of the other homes in the neighborhood have received permits for garages and additions.

It is the finding of the Hearing Examiner that the subject parcel is unique for the reasons stated by the Applicant's witness and, further, that the variance will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code.

Therefore, it is the recommendation of the Hearing Examiner that the requested variance be approved, subject to the following conditions:

1. The Applicant shall obtain all necessary permits and inspections for the addition.
2. Prior to the application for a building permit, the Applicant shall submit a detailed landscaping plan for review and approval by the Department of Planning and Zoning, showing the proposed native trees, shrubs and/or ground cover.
3. The Applicant shall maintain a minimum 5 foot side yard setback.

Date OCTOBER 19, 1998

L. A. Hinderhofer
Zoning Hearing Examiner